

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY,

Plaintiff,

-against-

Docket No.: CV 11-3014

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JAY ALFRED SEITZ, PH.D.,

-and-

HK PSYCHOLOGICAL, P.C.,
KINGSHWY PSYCHOLOGICAL, P.C.,
JAY PSYCHOLOGICAL, P.C.,
OMEGA PSYCHOLOGICAL, P.C.,

(the "P.C. Defendants")

-and-

BEN L. ADLER,
ALEKSANDR GORMAKH,
MILANA GORMAKH,
PETER KERNER,
SHORI MATATOV,

(the "Management Defendants")

Defendants.

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ORDER AND PERMANENT INJUNCTION

WHEREAS, Allstate Insurance Company commenced this action against, among others, Jay Alfred Seitz, Ph.D.; Jay Psychological, P.C., and Omega Psychological, P.C. (collectively referred to as the "Seitz Defendants"); and

WHEREAS, Dr. Jay Alfred Seitz has represented himself to be the sole owner of record of Jay Psychological, P.C., and Omega Psychological, P.C.; and

WHEREAS, Allstate Insurance Company and the Seitz Defendants have reached a global resolution of all issues between them, including all causes of action and claims for relief against the Seitz Defendants in this action, upon the terms set forth in this Order and Permanent Injunction; and

WHEREAS, in order to effectuate the terms of the global resolution, Allstate Insurance Company and the Seitz Defendants have consented to the entry of this order and permanent injunction;

NOW THEREFORE, upon the stipulation of the Parties, it is hereby

ORDERED that Jay Psychological, P.C., and Omega Psychological, P.C., as well as any entity, attorney or individual purporting to represent or to act on behalf of Jay Psychological, P.C., and Omega Psychological, P.C., are permanently enjoined and restrained from submitting any bills to or commencing any lawsuits, arbitrations, or other proceedings, either directly or indirectly, against Allstate Insurance Company and all other insurance companies listed on Addendum "1" (collectively "Allstate") for goods and/or healthcare related services provided by or through Jay Psychological, P.C., and Omega Psychological, P.C.; and it is further

ORDERED, that Dr. Jay Alfred Scitz, Jay Psychological, P.C., and Omega Psychological, P.C., as well as any entity, attorney or individual purporting to represent or to act on behalf of Jay Psychological, P.C., and Omega Psychological, P.C., shall, within 30 days from the date of receipt of this Order, (i) execute a stipulation of discontinuance with prejudice in any pending lawsuit against Allstate and return the stipulation of discontinuance to the Law Offices of Rivkin Radler, LLP, counsel for Allstate, and (ii) withdraw, with prejudice, any pending arbitration against Allstate and notify the American Arbitration Association of such withdrawal; and it is further

ORDERED that the American Arbitration Association is permanently enjoined and restrained from (i) accepting the filing of any arbitration demand seeking payment from Allstate by or on behalf of Jay Psychological, P.C., and Omega Psychological, P.C., or (ii) issuing any awards involving arbitrations between Jay Psychological, P.C., Omega Psychological, P.C., and Allstate; and it is further

ORDERED, that Jay Alfred Seitz, Ph.D., Jay Psychological, P.C., and Omega Psychological, P.C., at their own cost and expense, shall assist and cooperate with Allstate's efforts to enforce the terms of the Permanent Injunction by (i) issuing letters directing collection counsel to discontinue/withdraw all arbitrations and litigation against Allstate, with prejudice, which shall be sent immediately following the approval of the Permanent Injunction; and (ii) sending letters to any other lawyer or law firm in the future identified by Allstate as prosecuting lawsuits/arbitrations against Allstate on behalf of Jay Alfred Seitz, Ph.D., Jay Psychological, P.C., and Omega Psychological, P.C., in violation of the Permanent Injunction, directing that the lawyer or law firm discontinue/withdraw the arbitrations/ against Allstate, with prejudice.

S O R D E R E D:
/s/ James Orenstein

James Orenstein, U.S.D.J.

Dated: 4/2/12

Addendum "1" to Order and Permanent Injunction

1. Allstate Insurance Company
2. Allstate Indemnity Company
3. Deerbrook Insurance Company
4. Allstate Property and Casualty
5. Allstate NJ Insurance Company
6. Allstate Property and Casualty Insurance Company
7. Kansas City Fire & Marine Insurance Company
8. The Continental Insurance Company of New Jersey
9. Commercial Insurance Company of Newark NJ
10. Continental Insurance Company
11. Fireman's Insurance Company of Newark NJ
12. The Fidelity and Casualty Company of New York
13. Buckeye Union Insurance Company
14. National Ben Franklin Insurance Company of Illinois
15. Glens Falls Insurance Company
16. Boston Old Colony
17. Continental Reinsurance Corp
18. Encompass Insurance Company of America
19. Encompass Property and Casualty Company
20. Encompass Independent Insurance Company
21. Encompass Home and Auto Insurance Company
22. Encompass Insurance Company of Massachusetts
23. Encompass Insurance Company
24. Encompass Indemnity Company
25. Encompass Insurance Company of New Jersey
26. Encompass Property and Casualty Insurance Company of New Jersey
27. Esurance Insurance Company